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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,061	04/26/2006	Thomas Roiser	4301-1147	4268
<small>466</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			<small>7590</small> EXAMINER AMIRI, NAHID	
			<small>3679</small> ART UNIT	PAPER NUMBER
			MAIL DATE	DELIVERY MODE
			04/29/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,061

**Applicant(s)**

ROISER, THOMAS

**Examiner**

NAHID AMIRI

**Art Unit**

3679

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 15, 17-19, 22, 23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 15, 17-19, 22, 23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In view of Applicant's Amendment received 12 December 2007, amendments to the claims have been entered. Claims 1-12, 14, 16, 20, 21, and 24 are canceled. Claims 13, 15, 17-19, 22, 23, 25, and 26 are pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

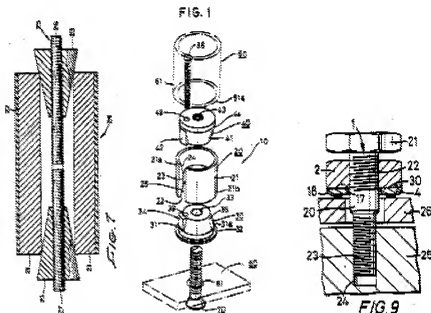
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 13, 14, 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,256,237 Maas et al. in view of US Patent No. 5,419,650 Hoshino and further in view of Patent No. 4,704,058 Crunwell.**

With respect to claims 13 and 14, Maas et al. disclose a clamping device (Fig. 7, Column 4, lines 5+) comprising a threaded rod (25) comprising two threaded sections (26, 27), the two threaded sections (26, 27) having opposing threads, a radially expandable clamping part (constituted by six identical sections 21) which forms a hollow cylinder, two conical expansion bodies (23) located at respective ones of two opposite ends of the clamping part (21); the expansion bodies (23) are each threaded onto the threaded rod (25) wherein the expansion bodies (23) move along the respective one of the different threaded sections (26, 27) to each approach the other to widen the clamping part (21) radially over a length of the clamping part (21). Mass et al. do not disclose that the clamping part is made from one piece with a lengthwise slot; and the thread of a first of the two threaded sections having a larger diameter than the opposing threaded thread of second of the two threaded sections. Hoshino teaches a clamping device (Fig.

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1) having a radially expandable clamping part (20) with a lengthwise slot (22). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Mass et al. from one piece with a lengthwise slot as taught by Hoshino in order to enable the clamping part to expand radially by the force exerted by the outer peripheral tapered surface of the expansion bodies. Crunwell teaches a threaded part per se (1, Fig. 1) having two threaded sections (22, 23) having opposing threads; wherein a first threaded section (22) has a greater diameter than a second threaded section (23). As taught by Crunwell, the purpose for providing a larger diameter for the innermost thread is so that the nut member may pass over the first, outermost thread without hindrance (e.g., see Column 5, lines 19-21). Thus, whenever the nut members must be assembled from the same end, it is well-known and conventional to provide the innermost threaded portion with a larger diameter. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first threaded section of Maas et al. with a greater diameter than the second threaded section as taught by Crunwell in order one of the expansion bodies slide over the second threaded portion without hindrance and become threadably engaged on the first threaded portion.



With respect to claim 18, Maas et al. disclose (Fig. 7) that expansion bodies (23) with their ends of smaller diameter engage the clamping part (21).

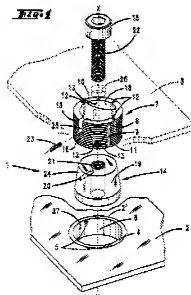
With respect to claim 19, Maas et al. disclose (Fig. 7) that the expansion bodies (23) having greater diameter ends are made to increase friction relative to the material of the outer tube (50).

With respect to claim 23, Maas et al. disclose a device (Fig. 7) comprising a threaded part (25) to be inserted into an interior of a tube (22) of the a first interior diameter; a threaded rod projecting from the threaded part (25), and with two threaded sections (26, 27) having opposing threads, two conical expansion bodies (23) having internal threads respectively corresponding to the threads of two threaded sections (26, 27), one expansion body (23) threaded onto each of the two threaded sections (26, 27), a radially expandable clamping part (is constituted by six identical sections 21), the two expansion bodies (23) having smaller diameter ends engaged with the clamping part (21), the clamping part (21) being radially expandable under action of the two expansion bodies (23) being brought together and wherein greater diameter ends of the two expansion bodies (23) are capable of frictionally engage an inner surface of another tube. Maas et al. do not disclose that the clamping part is made from one piece with a lengthwise slot; and the thread of a first of the two threaded sections having a larger diameter than the opposing threaded thread of second of the two threaded sections. Hoshino teaches a clamping device (Fig. 1) having a radially expandable clamping part (20) with a lengthwise slot (22). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Mass et al. from one piece with a lengthwise slot as taught by Hoshino in order to enable the clamping part to expanded radially by the force exerted by the outer peripheral tapered surface of the expansion bodies. Crunwell teaches a threaded part (1, Fig. 1) having two threaded sections (22, 23) having opposing threads; wherein a first threaded section (22) has a greater diameter than a second threaded section (23). As taught by Crunwell, the purpose for providing a larger diameter for the innermost thread is so that the nut member may pass over the first, outermost thread without hindrance (e.g., see Column 5, lines 19-21). Thus, whenever the nut members must be assembled from the same end, it is well-known and conventional to

provide the innermost threaded portion with a larger diameter. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first threaded section of Maas et al. with a greater diameter than the second threaded section as taught by Crunwell in order one of the expansion bodies slide over the second threaded portion without hindrance and become threadably engaged on the first threaded portion.

Claims 15, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maas et al., Hashino and Crunwell as applied to claims 13, 14, 18, 19, and 23 above, and further in view of US Patent No. 6,712,544 B2 Kruger et al.

With respect to claims 15, 17, 20, and 21, Maas et al. and Hashino disclose the claimed invention except for the clamping part has recesses, which proceed from its two ends; and wherein the recesses are offset by 90 degrees to one another on the ends of the hollow cylinder. Kruger et al. teaches a clamping device (Fig. 1) comprises a clamping part (7), the clamping part (7) having recesses (12); and wherein the recesses (12) are offset by 90 degrees to one another on the ends of the hollow cylinder. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Maas et al. with recesses are offset by 90 degrees to one another on the ends of the hollow cylinder as taught by Kruger et al. in order for the recesses open out in the direction of insertion of the expansion bodies to pressed the clamping part into the tube.

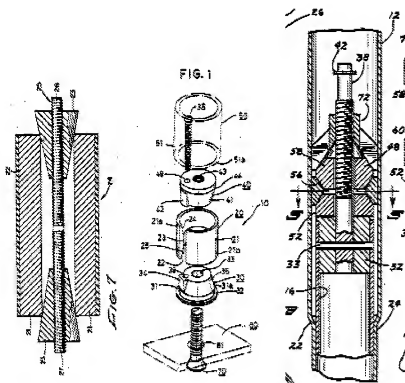


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Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mass et al., Hashino and Crunwell as applied to claims 13, 14, 18, 19, and 23 above, and further in view of US Patent No. 4,134,703 Hinners.

With respect to claims 22 and 24, Maas et al. and Hashino disclose the claimed invention except for having a combination of the clamping device and a set of telescoping tubes. Hinners teaches a combination of clamping device and a set of telescoping tubes (12, 16). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping device of Maas et al. with a combination of set of telescoping tubes of Hinners in order to adjust the tubes with respect to each other to achieve desirable height for the pole.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,256,237 Maas et al. in view of US Patent No. 5,419,650 Hoshino and US Patent No. 4,134,703 Hinners.



With respect to claim 25, Maas et al. disclose a device (Fig. 7) comprising a threaded part (25) to be inserted into an interior of a tube (22) of the a first interior diameter; a threaded rod projecting from the threaded part (25), and with two threaded sections (26, 27) having opposing threads, two expansion bodies (23) each threaded onto a respective one of the two oppositely threaded sections (26, 27), the two expansion bodies each capable of engaging a second of the two tubes. Maas et al. do not disclose the clamping device in combination with two poles; and having a slotted, cylindrical clamping part is made from one piece with a lengthwise slot; and the thread of a first of the two threaded sections having a larger diameter than the opposing threaded thread of second of the two threaded sections. Hinnners teaches a combination of a clamping device with two poles (12, 16). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping device of Maas et al. with a combination of two poles of Hinnners in order to adjust the tubes with respect to each other to achieve desirable height for the pole. Hoshino teaches a clamping device (Fig. 1) having a slotted clamping part (20) is made from one piece with a lengthwise slot. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Maas et al. from one piece with a lengthwise slot as taught by Hoshino in order to enable the clamping part to expanded radially by the force exerted by the outer peripheral tapered surface of the expansion bodies. Applicant does not disclose any criticality with respect to the two threaded sections having two different diameters. Therefore, it would have been an obvious matter of design choice to provide the two threaded sections of the rod with two different diameter, since applicant has not disclosed those different diameter solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Maas et al.'s invention.

**Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,256,237 Maas et al. in view of US Patent No. 5,419,650 Hoshino and US Patent No. 4,134,703 Hinnners as applied to claim 25, above, and further in view of Crunwell.**

With respect to claim 26, Maas et al. fail to disclose a thread of a first of the two threads sections has a larger diameter than an oppositely threaded thread of a second of the two threaded sections. Crunwell teaches a threaded rod (1, Fig. 1) having a thread of a first of the two threads

sections (22) has a larger diameter than an oppositely threaded thread of a second of the two threaded sections (23). As taught by Crunwell, the purpose for providing a larger diameter for the innermost thread is so that the nut member may pass over the first, outermost thread without hindrance (e.g., see Column 5, lines 19-21). Thus, whenever the nut members must be assembled from the same end, it is well-known and conventional to provide the innermost threaded portion with a larger diameter. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the first threaded section of Maas et al. with a greater diameter than the second threaded section as taught by Crunwell in order one of the expansion bodies slide over the second threaded portion without hindrance and become threadably engaged on the first threaded portion.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 13-15 and 17-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art of record US Patent No. 1,453,921 C line; and US Patent No. 949,412 Betz; are cited to show a threaded rod with two threaded sections with two different diameter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nahid Amiri  
Examiner  
Art Unit 3679  
March 16, 2008

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679